

**MEMO ENDORSED**

**GEORGIA M. PESTANA**  
*Corporation Counsel*

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

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November 5, 2021

**BY ECF**

Honorable Katharine H. Parker  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: In re McDaniel Litigation,  
19 Civ. 7680 (AJN) (KHP)

Your Honor:

I am the Assistant Corporation Counsel in the office of Georgia M. Pestana, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter. Defendants write to respectfully request that the Court adjourn the upcoming case management conference of this matter scheduled for November 9, 2021, by thirty (30) days, or to December 9, 2021. As plaintiff is currently incarcerated, this Office was unable to seek his consent to this request. However, this Office respectfully submits that plaintiff will incur no prejudice should this request be granted.

By way of brief background, the parties participated in a case management conference on September 16, 2021, at which time plaintiff was permitted to file a corrected Third Amended Complaint. (See Dkt. No. 76). Thereafter, plaintiff filed the operative Fourth Amended Complaint on October 14, 2021. (See Dkt. No. 78). On October 15, 2021, the Court ordered for the U.S. Marshals Service to effect service on the defendants named in plaintiff's Fourth Amended Complaint. (See Dkt. No. 79).

Defendants now request that the upcoming case management conference be adjourned due to the undersigned's upcoming departure from the Law Department. An adjournment is requested so that, once this matter is transferred, the new attorney handling this matter will have an opportunity to thoroughly review this case prior to appearing at the case management conference.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Robert Wennemer

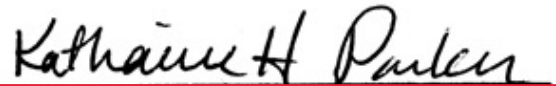
Robert Wennemer, Esq.  
*Assistant Corporation Counsel*

cc: **BY FIRST-CLASS MAIL**

Curtis McDaniel  
*Plaintiff Pro Se*  
#20A0242  
Bare Hill C.F.  
Caller Box 20  
181 Brand Rd.  
Malone, NY 12953

**APPLICATION GRANTED:** The telephonic Case Management conference in this matter currently scheduled for Tuesday, November 9, 2021 at 10:00 a.m. is hereby adjourned to Wednesday, December 15, 2021 at 11:00 a.m. It is hereby ORDERED that the Warden or other official in charge of the Bare Hill Correctional Facility produce plaintiff Curtis McDaniel, Inmate Number 20-A-0242, on December 15, 2021, no later than 11:00 a.m., to a suitable location within the Bare Hill Correctional Facility that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defendants' counsel. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling (212) 805-0234. Defendants' counsel must: (1) send this Order to the Warden immediately; (2) contact the Bare Hill Correctional Facility to arrange the call and determine the telephone number at which the plaintiff will be reachable at the above time and date; (3) call into Judge Parker's AT&T teleconference line (866) 434-5269, Access Code: 4858267, with the plaintiff on the line, at the time and date of the conference.  
The Clerk of Court is requested to mail a copy of this order to the pro se Plaintiff.

**APPLICATION GRANTED**



**Hon. Katharine H. Parker, U.S.M.J.**

11/08/2021